

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ADAPTIX, INC.,)	Case No. 5:14-cv-01259-PSG
)	
Plaintiff,)	CASE MANAGEMENT ORDER
)	
v.)	(Re: Docket No. 128)
)	
DELL INC., et al.,)	
)	
Defendants.)	
_____)	
ADAPTIX, INC.,)	Case No. 5:14-cv-01379-PSG
)	
Plaintiff,)	CASE MANAGEMENT ORDER
)	
v.)	(Re: Docket No. 102)
)	
AMAZON.COM, INC., et al.,)	
)	
Defendants.)	
_____)	
ADAPTIX, INC.,)	Case No. 5:14-cv-01380-PSG
)	
Plaintiff,)	CASE MANAGEMENT ORDER
)	
v.)	(Re: Docket No. 107)
)	
BLACKBERRY LTD., et al.,)	
)	
Defendants.)	
_____)	

ADAPTIX, INC.,
Plaintiff,
v.
SONY MOBILE COMMUNICATIONS, INC.,
et al.,
Defendants.

Case No. 5:14-cv-01385-PSG
CASE MANAGEMENT ORDER
(Re: Docket No. 90)

ADAPTIX, INC.,
Plaintiff,
v.
BLACKBERRY LTD., et al.,
Defendants.

Case No. 5:14-cv-01386-PSG
CASE MANAGEMENT ORDER
(Re: Docket No. 113)

ADAPTIX, INC.,
Plaintiff,
v.
BLACKBERRY LTD., et al.,
Defendants.

Case No. 5:14-cv-01387-PSG
CASE MANAGEMENT ORDER
(Re: Docket No. 111)

ADAPTIX, INC.,
Plaintiff,
v.
BLACKBERRY LTD., et al.,
Defendants.

Case No. 5:14-cv-03112-PSG
CASE MANAGEMENT ORDER
(Re: Docket No. 74)

Based on the parties' joint case management statement¹ and last week's case management conference,

IT IS HEREBY ORDERED that the following schedule and deadlines shall apply to all parties in this subset of cases ("Wave 2"):

¹ Case No. 5:14-cv-01259: Docket No. 127.

Plaintiff's Initial Disclosure of Asserted Claims & Preliminary
 Infringement Contentions & Accompanying Document Production
 with opportunity to amend until May 30, 2014..... February 19, 2014
 Initial Case Management Conference May 16, 2014
 Defendants' Preliminary Invalidity Contentions & Accompanying
 Document Production June 26, 2014
 Deadline to Add Additional Parties..... July 22, 2014
 Deadline to Amend Pleadings on Issues Other than
 Inequitable Conduct..... July 22, 2014
 Plaintiff's Initial DisclosuresSeptember 17, 2014
 ASUS Defendants' Initial DisclosuresOctober 7, 2014
 Deadline to Amend Pleadings re Inequitable Conduct DefensesOctober 22, 2014
 ASUS Defendants' Preliminary Invalidity Contentions & Accompanying
 Document ProductionOctober 28, 2014
 Proposed Terms & Claim Limitations for Construction December 19, 2014
 Preliminary Claim Constructions January 16, 2015
 Joint Claim Construction & Prehearing Statement,
 Expert Declarations or Other Disclosures on Claim Construction for
 Any Experts Who Will Submit Declarations or Testify Regarding
 Claim Construction at the Claim Construction Hearing..... February 3, 2015
 Claim Construction Discovery Cut-Off..... March 5, 2015
 Opening Brief on Claim Construction..... March 20, 2015
 Responsive Brief on Claim Construction April 10, 2015
 Reply Brief on Claim Construction April 20, 2015
 Surreply Brief on Claim Construction..... April 30, 2015
 Claim Construction (*Markman*) Hearing.....May 14, 2015 at 1:00 PM
 Fact Discovery Cut-OffSeptember 18, 2015
 Opening Expert Witness ReportsOctober 23, 2015
 Rebuttal Expert Witness Reports.....November 27, 2015
 Expert Discovery Cut-Off January 8, 2016
 Deadline to File Dispositive Motions..... February 4, 2016
 Opposition Briefs on Dispositive Motions February 25, 2016

1 Reply Briefs on Dispositive Motions March 10, 2016

2 Hearing on Dispositive Motions.....March 31, 2016 at 1:00 PM

3 Pre-Trial Conference July 25, 2016 at 1:00 PM

4 Initial Trial.....August 1, 2016 at 9:30 AM

5 IT IS FURTHER ORDERED that the “Order Regarding Procedure for Resolution of
6 Disputes Concerning Discovery and Other Non-Dispositive Issues” will apply in these cases.²

7 IT IS FURTHER ORDERED that except as necessary to comply with P.R. 3-7, the parties
8 are not required to include in their privilege logs any protected documents that came into existence
9 on or after January 13, 2012, which was the filing date of the complaint in the earliest-filed
10 Adaptix case currently pending in this Court.

11 IT IS FURTHER ORDERED that at depositions where the deponent requires an interpreter,
12 there shall be an official interpreter hired by the side taking the deposition if the deponent states
13 under oath that he or she (i) is not able to understand and speak in English, and (ii) states under
14 oath that he or she does not normally converse in English with others, including but not limited to
15 work/business-related colleagues and third parties (such as in a work/business environment). The
16 parties may hire their own interpreter to verify the translation by the official interpreter. Should the
17 party required to pay the costs of an interpreter ultimately prevail on the merits, the costs of hiring
18 an interpreter shall be taxed in favor of the prevailing party against the losing party.

19 IT IS FURTHER ORDERED that Verizon, AT&T and T-Mobile are precluded from
20 deposing any inventor or Plaintiff or Acacia employee previously deposed in one of the E.D. Tex.
21 or N.D. Cal. Adaptix actions, absent permission from this court upon a showing of good cause.

22 IT IS FURTHER ORDERED that Plaintiff may take a maximum of 160 hours of total fact
23 deposition testimony of Defendants with not more than 50 hours to depose any one Defendant.
24 Defendants may take a collective maximum 160 hours of total fact deposition testimony of Plaintiff
25 to be split according to agreement by Defendants.

26 IT IS FURTHER ORDERED that no individual inventor or co-inventor, including Dr. Liu,
27 shall be deposed for more than a total of 12 hours for all of these actions, collectively. To the
28

² See Case No. 5:13-01777, Docket No. 121.

1 extent that the parties in these actions are also parties to the E.D. Tex. actions, those parties shall
2 cooperate to avoid redundant testimony of any individual 30(a)(1) or 30(b)(6) witnesses.

3 IT IS FURTHER ORDERED that in any other case to which a carrier defendant is a party,
4 Plaintiff may use for all purposes the transcript of depositions taken of that carrier defendant in any
5 other cases brought by Plaintiff.

6 IT IS FURTHER ORDERED that Plaintiff is precluded from deposing any Verizon, AT&T
7 and T-Mobile employees or customers who have previously been deposed in one of the E.D. Tex.
8 or N.D. Cal. Adaptix actions, absent permission from this court upon a showing of good cause.
9 Verizon, AT&T and T-Mobile shall coordinate the scheduling of any such depositions in the E.D.
10 Tex. and N.D. Cal. Adaptix actions so that tis co-defendants have the opportunity to attend those
11 depositions.

12 IT IS FURTHER ORDERED that Defendants may use for all purposes in the above-
13 captioned cases the transcripts of depositions taken by any defendant in all other cases brought by
14 Plaintiff.

15 IT IS FURTHER ORDERED that Plaintiff may serve up to 20 requests for admission
16 collectively on Wave 2 Defendants and up to 15 additional individual requests for admission on
17 each Wave 2 Defendant or, where applicable, on each Wave 2 Defendant Group. Wave 2
18 Defendants shall be allowed 20 collective requests for admission and 15 additional individual
19 requests for admission per Defendant or, where applicable, per Defendant Group. Notwithstanding
20 the foregoing, the parties are allowed an unlimited number of requests for admission regarding the
21 admissibility of documents. Before serving any request for admission, regarding the admissibility
22 of documents, each party agrees to request that the opposing party stipulate to the admissibility of
23 such documents, but if after two weeks no stipulation is agreed upon, then the requesting party may
24 serve the request for admission.

25 IT IS FURTHER ORDERED that pursuant to Fed. R. Civ. P. 26(b)(4), draft expert reports,
26 notes, outlines, and any other writings leading up to expert final reports in the Wave 2 actions are
27 exempt from discovery. In addition, all communications with and all materials generated by a
28 testifying expert with respect to his work on any of these actions are exempt from discovery unless

1 relied upon by the expert in forming his or her opinion. If an expert produces a report, the expert
2 must produce his or her final report and all materials on which he or she relied.

3 IT IS FURTHER ORDERED that Plaintiff may depose each non-infringement expert for
4 seven hours. Each Wave 2 Defendant or Defendant Group may depose each infringement expert
5 testifying against it for seven hours in each matter where that expert is testifying against it.

6 IT IS FURTHER ORDERED that Plaintiff may depose each invalidity expert for seven
7 hours. Each Wave 2 Defendant or Defendant Group may depose each validity expert for seven
8 hours in each matter where that expert is testifying against it. If the same expert testifies against
9 Plaintiff or Defendant/Defendant Group regarding both (non)infringement and (in)validity, then
10 Plaintiff or Defendant/Defendant Group may depose that expert for 14 hours.

11 IT IS FURTHER ORDERED that Plaintiff or each Defendant/Defendant Group may
12 depose each damages expert testifying against it for 7 hours in each matter where that expert is
13 testifying against it.

14 IT IS FURTHER ORDERED that the parties shall confer in good faith on a reasonable
15 number of hours of other expert depositions and shall submit the parties' competing proposals to
16 the court in the event they are unable to reach agreement.

17 IT IS FURTHER ORDERED that the parties shall file joint or competing ESI Orders by
18 October 21, 2014.

19 **IT IS SO ORDERED.**

20 Dated: September 29, 2014

21 

22 PAUL S. GREWAL
23 United States Magistrate Judge